

UNITED STATES OF AMERICA
BEFORE THE NATIONAL LABOR RELATIONS BOARD

MAS TEC NORTH AMERICA, INC.
Employer

and

Case 01-RD-103288

JOHN MURRAY, AN INDIVIDUAL
Petitioner

and

INTERNATIONAL BROTHERHOOD OF
ELECTRICAL WORKERS, LOCAL 488, AFL-CIO
Union

ORDER

The Employer's Request for Review of the Regional Director's determination to hold the petition in abeyance is denied as it raises no substantial issues warranting review.¹

MARK GASTON PEARCE, CHAIRMAN

KENT Y. HIROZAWA, MEMBER

Member Miscimarra, dissenting:

I would grant review of the Regional Director's decision to hold the petition in abeyance pending resolution of an unfair labor practice charge alleging that the Employer maintained overly broad work rules. Without passing on the merits of the charge, I find that the Employer has raised substantial issues warranting review regarding the determination that the alleged unfair labor practice, if proven, would interfere with employee free choice given: (1) the subject matter of the allegedly unlawful rules, which on their face do not broadly prohibit Section 7 activity; (2) the fact that the rules were in place when the Union was certified, with no apparent effect on that election; and (3) one of the disputed rules, prohibiting, among other things, the use of abusive language, was modified prior to the filing of the petition to eliminate that prohibition.

¹ In denying the Employer's Request for Review, we note that the Regional Director's determination to hold the petition in abeyance was an exercise of administrative discretion, in accordance with Secs. 11730-11733 of the Board's Casehandling Manual (Part Two), Representation Proceedings. We find that the Employer has not demonstrated that the Regional Director abused his discretion.

I observe there is no claim that the maintenance of the rules tainted the petition itself, and that such a claim would in any event be untenable in light of the rules having been in place prior to the Union's certification and the complete absence of any evidence linking the disputed rules to the decertification petition.

PHILIP A. MISCIMARRA, MEMBER

Dated, Washington, D.C., June 16, 2015.